



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

8 FEB 2006

Karl F. Milde, Jr.
MILDE & HOFFBERG, L.L.P.
10 Bank Street - Suite 460
White Plains, NY 10606

In re Application of WIECHERS :
U.S. Application No.: 10/542,218 :
PCT Application No.: PCT/DE03/04147 :
Int. Filing Date: 16 December 2003 : DECISION
Priority Date Claimed: 19 December 2002 :
Attorney Docket No.: HBC 253-KFM :
For: METHOD FOR MINIMIZING THE ERROR :
OF A MEASURED VARIABLE :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 14 July 2005.

BACKGROUND

On 16 December 2003, applicant filed international application PCT/DE03/04147, which claimed priority of an earlier Germany application filed 19 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 08 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 19 June 2005.

International application PCT/DE03/04147 became abandoned as to the United States for failure to timely pay the basic national fee.

On 14 July 2005, applicant filed the present petition under 37 CFR 1.137(b).

On 19 September 2005, applicant filed an executed declaration.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 December 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 September 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459